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HAVERSTOCK, GARRETT & ROBERTS**FAX Transmission**

From: Veo Peoples, Jr. *V.P.J.* Date: May 12, 2000
To: Thomas Hawkins Time:
Company: Patent and Trademark Office FAX: 703-305-4372

Number of pages including this cover sheet: 9

If you do not receive all pages, please contact: Sheri West

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VOICE: (314) 241-4427 FAX: (314) 241-3317

611 Olive Street, Suite 1610, St. Louis, Missouri 63101



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/914,628	08/19/97	SHERFIELD	POL. 0001.14

IN22/0901

HAVERSTOCK, GARRETT & ROBERTO
611 OLIVE STREET, SUITE 1610
ST. LOUIS MO 63101

EXAMINER

DYF, R

ART UNIT

PAPER NUMBER

1722

12

DATE MAILED: 09/01/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

**Supplemental +
NOTICE OF ALLOWABILITY**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance and Issue Fee Due or other appropriate communication will be mailed in due course.

- This communication is responsive to _____.
- The allowed claim(s) is/are 6-8.
- The drawings filed on _____ are acceptable.
- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(e)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE THREE MONTHS FROM THE "DATE MAILED" of this Office action. Failure to timely comply will result in ABANDONMENT of this application. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL APPLICATION, PTO-152, which discloses that the oath or declaration is deficient. A SUBSTITUTE OATH OR DECLARATION IS REQUIRED.
- Applicant MUST submit NEW FORMAL DRAWINGS submitted by Applicant on 10/2/97 have been sent to Drafting according to paper No. 2.
- because the originally filed drawings were declared by applicant to be informal.
- including changes required by the Notice of Draftsperson's Patent Drawing Review, PTO-948, attached hereto or to Paper No. _____.
- including changes required by the proposed drawing correction filed on _____, which has been approved by the examiner.
- including changes required by the attached Examiner's Amendment/Comment.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the reverse side of the drawings. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

- Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Any response to this letter should include, in the upper right hand corner, the APPLICATION NUMBER (SERIES CODE/SERIAL NUMBER). If applicant has received a Notice of Allowance and Issue Fee Due, the ISSUE BATCH NUMBER and DATE of the NOTICE OF ALLOWANCE should also be included.

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-419
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

RENA L. DYE
PRIMARY EXAMINER

MAY-12' 00 (FRI) 14:26

HAVERSTOCK ET AL.

TEL: 314 241 3317

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MAY-12-2000 09:47

P.M. QSR + ANALY. LAB

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UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/914,628	08/19/97	SHEFFIELD	D 001.003.1d

Douglas M. SHEFFIELD, JR.
 11460 DAYKIN DRIVE
 ST. LOUIS MO 63146

7542/0600

EXAMINER	
DYE-R	
ART UNIT	PAPER NUMBER

1772

#15

DATE MAILED:

05/03/00

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
- (A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)
- No response has been received.
- Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
 - The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
 - The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
 - The issue fee has not been received.
- Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
 - Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
 - The proposed new formal drawings filed _____ are not acceptable.
 - No proposed new formal drawings have been received.
- The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

THOMAS HAWKINS
 305-B380



LOCATION 04220

05-15-00
16T

PATENT
Docket No. 001.003.14

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~~X14~~

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :
Douglas M. Sheffield, Jr. :
Serial No. 08/914,628 : Official Draftsman:
Filed: 8/19/97 : Thomas Hawkins
Title: VACUUM ACTUATED
DISPLAY ORNAMENTS :
:

Honorable Commissioner of Patents
Washington, D.C. 20231
Attn: Thomas Hawkins

FACSIMILE (703)-305-4372

Dear Sir:

This Petition is responsive to the Notice of Abandonment mailed May 3, 2000 (paper no. 15).

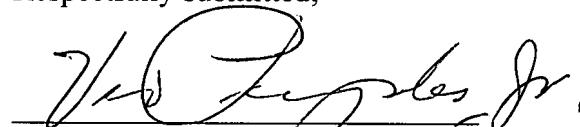
Please withdraw the Notice of Abandonment for the following reasons:

- (1) All fees have been paid.
- (2) The formal drawings were indeed sent on October 2, 1997 and are probably misfiled. This was discussed with Examiner Rena Dye, who found the drawings and sent them to you September 1, 1999.
- (3) I am enclosing the following documents to support this Petition.
 - (a) The Examiners Supplemental Notice of Allowability dated September 1, 1999 confirming that the drawings were found and submitted to Drafting.
 - (b) Copy of October 2, 1997 return postcard showing that the PTO, instead of filing drawings in 08/914,628, may have misfiled the drawings in 08/944,070.
 - (c) Copy of the actual formal drawings Figures 1-17.

We respectfully submit that this case and its drawings should proceed immediately to publication and issue.

Respectfully submitted,

5/12/00
Date


Veo Peoples, Jr., #27,048
Attorney for Applicant
Haverstock, Garrett & Roberts
611 Olive Street, Suite 1610
St. Louis, Missouri 63101
Phone: (314) 241-4427
Fax: (314) 241-3317

CERTIFICATE OF MAILING

I hereby certify that this Petition, along with any paper or document referred to herein as being attached or enclosed, is being deposited as Express Mail No. EL636811143US in an envelope addressed to: Official Draftsman, Attn: Thomas Hawkins, Assistant Commissioner for Patents, Washington, D.C. 20231 on May 12, 2000, (Sheri West) Sheri West.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/914,628	08/19/97	SHEFFIELD	D 001.003.14

DOUGLAS M. SHEFFIELD, JR.
 11460 DAYKIN DRIVE
 ST. LOUIS MO 63146

7642/0500

EXAMINER

DYE, R

ART UNIT

PAPER NUMBER

1772

#15

DATE MAILED:

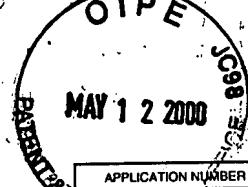
05/03/00

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- The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

THOMAS HAWKINS
 305-8380



First Available Copy
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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105/314,628 08/19/97 SHEFFIELD

D 001,003,14

IN22/0901

EXAMINER

HAVERSTOCK, GARRETT & ROBERTS
611 OLIVE STREET, SUITE 1610
ST. LOUIS MO 63101

DYE, R

ART UNIT	PAPER NUMBER
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COMMISSIONER OF PATENTS AND TRADEMARKS

AS PERTAINING TO
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- Notice of Informal Patent Application, PTO-152
- Interview Summary, PTO-413
- Examiner's Amendment/Comment
- Examiner's Comment Regarding Requirement for Deposit of Biological Material
- Examiner's Statement of Reasons for Allowance

RENA L. DYE
PRIMARY EXAMINER



Docket no. 001.03.04 VPJ October 2, 1997

The official date stamp of the United States Patent and Trademark Office hereon will serve to acknowledge receipt of the following documents for Douglas M. Sheffield, Jr., Serial no. 08/914628, filed on August 19, 1997, for "Vacuum Actuated Display Ornaments".

- Transmittal letter
- Three (3) formal drawings
- Preliminary Amendment

Docket no. 001.03.04 VPJ October 2, 1997

The official date stamp of the United States Patent and Trademark Office hereon will serve to acknowledge receipt of the following documents for Douglas M. Sheffield, Jr., Serial no. 08/914628, filed on August 19, 1997, for "Vacuum Actuated Display Ornaments".

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